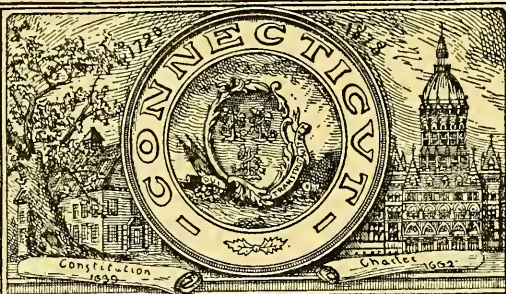


D
C32
re.
no.14
copy 2




STATE LIBRARY,
- HARTFORD -

CLASS.	BOOK.	DATE.
<u>D</u>	<u>C496re</u>	<u>30Aug51</u>
no. 14, cop. 1. f		
ACCESSION NO		<u>265629</u>
SOURCE.		

B

www.gutenberg.org



Digitized by the Internet Archive
in 2010 with funding from
Lyrasis Members and Sloan Foundation

496re
f
s. 14



COMMISSION ON STATE GOVERNMENT ORGANIZATION

FINAL REPORT

Survey Unit 14 -- Corrections

AUG 30 1951

Project Director: Sanford Bates

Associate: George H. Dession

January 16, 1950

CONN. STATE LIBRARY

MAR . . 1950

CONNECTION
STATE LIBRARY
BUTEN...

This report deals with Connecticut's system of correctional institutions and agencies. These include the following:

Connecticut State Prison
State Farm and Prison for Women
Connecticut Reformatory
Connecticut School for Boys
Long Lane School
Board of Pardons
Commission on Forfeited Rights
Connecticut Prison Association
County Jails
Local Lockups

Reports previously submitted included a Preliminary Report, an Interim Report, and Appendices to the latter dealing specifically with each of the above institutions with the exception of the recently created Commission on Forfeited Rights.

The first five listed may be described as state correctional and/or welfare institutions, which in the aggregate during the fiscal year 1948-49 handled an inmate population (male and female adults, male and female juvenile delinquents, and babies of female prisoners) of a little over 1500 and about 1000 ex-inmates on parole, spending in the aggregate (capital as well as recurring expenditures) a little under \$2,900,000.00, and using physical plants valued in the aggregate at a little over \$7,000,000. Per capita inmate costs were estimated by the Comptroller (for basis and evaluation see Appendices to Interim Report) at \$27.63 per week for the State Prison, \$35.86 for the State Prison and Farm for Women, \$44.67 for the Reformatory, \$43.41 (estimate for 1949-50) for the Connecticut School for Boys, and \$58.56 for the Long Lane School. The County Jails are not included in the above over-all picture. In evaluating these figures it should be borne in mind that Connecticut is a very small state (population estimated as a little over 2,000,000 as of the 1950 census), but that the state is relatively wealthy (highest per capita buying power reported for any state), and that the state's policy mandate to these institutions is to rehabilitate offenders and delinquents rather than to strive primarily to make each institution financially self-supporting.

Summary of Recommendations

The reasons for the following recommendations are developed in the body of this report, and in greater detail in the preceding reports on each of the institutions in question.

Each of these recommendations will involve legislative amendment. There are no constitutional issues involved.

It is recommended:

1. That there be established a State Department of Correction with jurisdiction expressed or implied in the following recommendations over (1) the State Prison (2) the State Farm and Prison for Women, (3) the Connecticut Reformatory, (4) the Connecticut School for Boys, (5) the Long Lane Farm, and (6) the County Jails.

2. That the functions of the present Public Welfare Council in respect to the above-mentioned institutions be transferred to a newly established advisory Board of Correction to consist of seven non-salaried members to be appointed for overlapping six year terms by the Governor with the advice and consent of the Senate.

3. That the proposed Department be administered by a Commissioner of Correction appointed by the Governor to serve at pleasure, and that the Commissioner be authorized to appoint and remove at pleasure all wardens, superintendents or jailers of institutions under his jurisdiction, and all subordinate officers and -- conformably to the Merit System -- all other employees of the central Department as distinguished from the institutions under its jurisdiction.

4. That the warden, superintendent or jailer of each of the above institutions be authorized to appoint and remove at pleasure his subordinate officers and -- conformably to the Merit System -- employees.

5. That the existing Boards of Directors or Trustees of the five state correctional institutions above-mentioned be abolished, their policy-making and managerial powers and duties transferred to the Commissioner of Correction, and their advisory duties to the Board of Correction.

6. That, except as otherwise specifically provided by law, the Commissioner of Correction be authorized to organize the personnel and work of his office in a manner which he deems most efficient.

7. That the Board of Pardons be reconstituted to eliminate the Governor and substitute another member in his place, and to authorize action by a majority of the Board.

8. That the recently created Commission on Forfeited Rights be abolished, and its functions transferred to the Board of Pardons.

9. That in respect of jails and workhouses the functions of the county Commissioners shall be assumed by the General Assembly, and that in the same respect the powers and duties of the Sheriffs shall be transferred to the Commissioner of Correction.

10. That there be established a Probation Board to provide and supervise probation service for all courts of the state excepting the juvenile court, and to represent the state in the performance of all functions under the interstate probation and parole compacts executed by the governor in accordance with Sec. 8841 of the General Statutes; that the Board be composed of five non-salaried members with staggered five year terms, two to be appointed by the judges of the superior court and one each by the judges of the common pleas, municipal and trial justice courts; and that the Board be authorized to appoint a full time salaried Director of Probation.

I

PRESENT DECENTRALIZATION

Certain aspects and functions of the correctional institutions and agencies are, of course, centrally prescribed and controlled; but, as we shall see, the picture is predominantly one of administrative decentralization and checks and balances carried to the extreme. Here as elsewhere in the state government we encounter for the most part separate and independent agencies. As the Cross Commission in 1937 pointed out (Report of the Connecticut Commission Concerning the Reorganization of the State Departments, at p. 3):

"... In Connecticut, to control administrative agencies, the general assembly has relied upon the control of selection of administrators buttressed by a very restricted executive discretion in removal rather than upon procedures of budgeting, accounting, auditing and reporting directed toward control by results. To guard against the abuse of centralized power, extreme decentralization has been effected with its inevitable increase of paper work, red tape, and supervisory responsibilities and its unavoidable duplication of services at many points. To provide protection against the 'spoils system,' widespread use has been made of boards with overlapping terms, thereby subjecting many strictly administrative activities to the slow processes of deliberative boards.

"The administrative policies which have been followed may have safeguarded the state against gross fraud and against the arbitrary and capricious exercise of governmental powers by any single officer or agency. But it may well be questioned whether the means employed are the best even for these purposes and, if so, whether these ends are worth the costs which arise from the complex administrative organiza-

tion, the scattered responsibility, and the other mentioned results of the use of these means."

There is, moreover, extreme diversity in the administrative structure of the several independent institutions. The mode of appointment and removal of institutional heads, for example, is as follows:

Warden of the State Prison Appointment by the Directors to serve at pleasure

Superintendent of the State Farm for Women - Appointment by the Directors to serve at discretion

Superintendent of the Connecticut Reformatory - Appointment by the Directors to serve at pleasure

Superintendent of the Connecticut School for Boys - Appointment by the Trustees subject to removal for cause

Superintendent of the Long Lane School - Appointment by the Directors subject to removal for cause

The Boards are set up as follows:

State Prison - Board of seven directors appointed by the Governor with advice and consent of the Senate subject to removal by the Governor for cause -- staggered four year terms

State Farm for Women - Board of seven directors appointed by the Governor subject to removal by the Governor for cause -- staggered seven year terms

Connecticut Reformatory - Board of seven directors appointed by the Governor with advice and consent of the Senate subject to removal by the Governor for cause -- staggered four year terms

Long Lane School - Board of nine directors appointed by the Governor subject to removal by the Governor for cause -- staggered three year terms

Connecticut School for Boys - Board of seven trustees appointed by the Governor with advice and consent of the Senate subject to removal by the Governor for cause -- staggered four year terms

All of these Boards are vested with policy-making and management control powers, including the power of parole from their respective institutions. Provisions with respect to the appointment of subordinate officers also vary, as follows:

State Prison - Chaplain and Physician appointed by the Directors -- other subordinate officers appointed by the Directors on nomination of the Warden

State Farm for Women - subordinate officers appointed by the Superintendent subject to Board approval

Connecticut Reformatory - subordinate officers appointed by the Board on nomination of the Superintendent

Connecticut School for Boys - subordinate officers and employees appointed by the Board on recommendation of the Superintendent

Long Lane School - such subordinate officers "as they may deem necessary" appointed by the Board

Aspects and functions of the correctional systems presently subject to varying types of central supervision and control include the followings:

Appointment of Non-Exempt Personnel - Subject to the Merit System, with conduct of examinations and certification under the control of the State Personnel Director

Hours of Labor - Controlled by statute

Purchasing - Purchases over \$1000 must be made through the Supervisor of Purchases (department of the Commissioner of Finance and Control), and the Supervisor also prescribes rules governing direct and emergency purchases

Management of Institutional Farms - The Commissioner of Farms and Markets has statutory authority to exercise such control over policies, operations and finances as he deems necessary.

Use of Inmate Labor - Use of such labor to produce commodities for state use or for private sale (not for resale) is permitted by statute but subject to the approval of the Commissioner of Finance and Control; and the Commissioner may contract with inmates for construction and repair of state property with the approval of the institution head involved.

Institutional Funds - Management of such funds is subject to the approval of the Comptroller

Visitation and Inspection of Correctional Institutions - The Public Welfare Council is currently charged with this function

Budgeting and Capital Improvements - Each institution now prepares its own budget requests, and appears separately before the legislature; and there is no provision comparable to the Humane and Welfare Institutions Building Program Commission for central planning of future building in the correctional institution field.

Records and Vital Statistics - There is as yet no adequate two-way central clearing of information concerning police records, institutional commitments and vital statistics. There is central clearing of police records through the State Police -- though not uniformly operative on the municipal, town and trial justice court leve; and a state index to provide consolidated records of the inmates of the correctional as well as welfare institutions is being developed by the Public Welfare Council.

Labor Relations - Each Superintendent conducts his own negotiations and makes his own policy in dealing with employee unions

Committee of Fifteen - This is an inter-institutional committee on which the superintendents and principal staff members of each of the five institutions are represented, and which meets periodically to discuss common problems.

Connecticut Prison Association - This is a privately incorporated association, supported in part by charitable contributions and in part by grants from the state, and authorized by statute to fulfill certain public functions including aid to discharged prisoners, advisory supervision of probation, and out-of-state parole supervision and assistance.

II

EVALUATION

Given the present decentralization of the state institutions operating under their respective boards of directors or trustees with their existing plants and facilities, there is nothing radically wrong with their internal administration. The picture, indeed, is extremely favorable on this score. Connecticut is fortunate in the calibre of its institutional heads. They are professionally trained career officials. The boards composed of non-paid private individuals function well within this framework and largely shield the internal administration of the institutions from undesirable external political pressures. The institutions do have a problem of personnel recruitment, notably in the professional and semi-professional categories (diagnostic and therapeutic, educational, and recreational), which is not peculiar to the correctional as distinguished from the welfare institutions nor for that matter to Connecticut. This problem stems partly from scarcity of such personnel, and partly from lack of attractiveness in respect of compensation and living conditions of the jobs offered. Partly for this reason and partly because of inadequate plant facilities (notably at the State Prison and the Reformatory) there is an over-use of non-productive confinement and an under-use of therapy and vocational education.

The county jails present the often noted and generally

agreed problem of non-productive and character-deteriorating idleness of inmates. This problem is beyond the control of individual jailers. Prospects for the complete abolition of county control in this area are slight. But it is conceivable that a state sponsored work program coupled with a state centralized power to transfer inmates from one with a farm, for example) might go far to alleviate the situation.

Municipal and town lockups appear to present no special problems, and no basis for urging their inclusion in a more centralized state system has been found.

The administration of the Clemency power through the Board of Pardons has occasioned little public criticism in this state, but there is a recent legislative history of an effort to eliminate the somewhat unusual requirement that action be by unanimous vote. The Board's records seem to indicate that its tradition has been to take a rather restricted view of its function, and that its power is rather sparingly used. There do seem to be problems in Connecticut with relation to inequalities in sentencing which if not otherwise resolved might be considered to be within the appropriate sphere of action of a Board of Pardons. There is, moreover, no apparent reason why the function of withholding and restoring electoral rights forfeited by reason of conviction of certain crimes should conceptually be separated or separately administered from other exercises of the Clemency Power.

The inmate per capita cost of operating our Connecticut institutions appears relatively high. This is largely attributable to the small size of the State and hence of the population of each institution, to the circumstance that each of the institutions performs certain functions which in various other states are performed through central agencies and charged to the latter, and to the general increase in personnel and material costs as against the pre-war years. But it also appears that certain economies would become possible in the event of greater centralization.

Sentencing shortcomings in the trial courts for adults result in certain handicaps to the correctional institutions. There are indications of inequalities and lack of consistency in sentencing policy, and of excessive severity in many instances as well as of insufficient periods of commitment in others. There are also indications that offenders who should be sentenced to a reformatory type of institution are not infrequently sentenced to the State Prison, and that existing transfer laws do not take care of this situation as a practical matter. The basic difficulty is that the courts necessarily pronounce sentence on inadequate information concerning the offender's background and personality by reason of inadequate provision for pre-sentence investigations or -- better still -- a sentencing procedure such as that recommended by the Conference of Senior Circuit Judges for the federal courts and embodied in the proposed Federal Corrections Act. Inadequate sentencing handicaps the institutions in that (a) individuals are committed who might more appropriately be treated on an "out-patient" basis given an adequate system of probation; (b) inequalities and undue severity of some sentences work against inmate morale and handicap parole boards; and (c)

the receiving institutions are not furnished by the committing courts with sufficient information concerning the offender's background, personality and problems, nor as a rule with sufficient information concerning the court's reasons for the sentence imposed.

Probation in the courts for adults presents a comparable problem. Probation, effectively administered, is cheaper for the State and less destructive of the individual than confinement, and there is reason to believe that Connecticut does not fully utilize this device. Development of a centralized probation system and policy through the Connecticut Prison Association is to be recommended, and appears to be favored by most if not all of the correctional institution heads.

Parole under the present decentralized system is administered for each institution by its board of directors or trustees, and each institution maintains its own parole officers to cover the entire state. The chief advantages of this system are that the administration of parole is well insulated against external pressures which in other states have sometimes occasioned corruption in the granting and denying of parole, and that the parole officers have greater opportunity to become acquainted with parolees before they leave the institutions. All of the institution heads appear to favor retention of the parole function in the particular institution. The case-loads of the parole officers, however, together with lack of personnel and other facilities for the purpose, work against adequate parole supervision and preclude the sort of follow-up studies which would be essential to any continuing objective evaluation of this aspect of the functioning of the Connecticut correctional system.

Continuing audit, reporting and evaluation of the effectiveness of intra-institutional methods of treatment and training, to say nothing of developmental research to advance correctional techniques, are largely beyond the scope of the several institutions as presently equipped and endowed. This defect which limits the efficiency of government in contrast with industry is not peculiar to Connecticut. But it is remediable, and affords one more example of a service which could be performed by a centralized department.

Classification of inmates and facilities to afford the variety of regimes necessary to give effect to classification remain inadequate in Connecticut, and particularly so in Wethersfield, Cheshire, and of course the county jails. A certain amount of primitive classification does obtain. Inmates found to be psychotic and seriously disturbed at the time of commitment or subsequently can be and not infrequently are transferred to Norwich or another State Hospital. There are special arrangements within the institutions for the aged and invalid. But the correctional institutions do not have the special physical and personnel facilities to segregate and separately deal with seriously mentally defective delinquents or with what are commonly designated psychopathic (or psychiatrically deviate) offenders. Each of the institutions has a problem with respect to both of these groups. In the case of each institution each of these groups probably comprise a small minority fraction of

its population, and I say probably because of the inadequate diagnostic facilities which obtain. Failing special institutions for these two groups -- and there are none to which transfer is possible now -- physical plant arrangements and personnel to permit their segregation and handling under special regimes will be needed in the existing correctional institutions. Solution of these primitive problems of classification would obviously clear the way for more refined classification within the remaining categories.

III

ADVANTAGES OF GREATER CENTRALIZATION

The over-all picture which emerges from our survey is surprisingly consistent. The Connecticut system is in many respects outmoded, unproductive and inefficient, and this despite its recruitment of institution administrators of unusually high calibre, career professional training and good will; despite the high standards of the State as reflected in appropriations for some of these institutions and in their inmate per capita costs; despite the undoubted values deriving from the traditional practice of entrusting general policy supervision and control over each institution to its particular board of directors or trustees composed of loyal and distinguished private citizens; and despite the intelligent creation of a continuing joint committee by the respect boards of trustees to promote coordination. The shortcomings which we encounter all appear to derive from the same general source-- the lack of an effective administrative mechanism for centralized over-all planning for the system as a whole, for the provision of services beyond the scope of a particular institution, for greater flexibility in the allocation of available funds and services between the several institutions in terms of priority of need, for greater flexibility of transfer of inmates, and for general over-all supervision.

Our findings suggest that it would be advantageous for the state to go at least so far as to create a centralized Department of Corection, with the appointment of a Commissioner to keep in touch with the Governor, to integrate the functioning of at least the five custodial State institutions under discussion. Inclusion of the county jails would, of course, also be desirable.

This recommendation assumes that the two institutions for juvenile delinquents should remain in the correctional system -- so long as that is administratively distinguished and divorced from the welfare system. There is no disposition on the part of this Survey Unit to advocate such a functional separation or distinction between correctional and welfare institutions. But if there must be such a distinction for another generation or two -- and our coordination conferences with other Survey Units as well as our own estimates of the existing climate of opinion so suggest -- then at least such facilities of the state's child welfare program as would be

available to children in "welfare" institutions should also be available to children who happen to be in "correctional" institutions. The same could, and in the opinion of this Survey Unit ultimately will, be said as to individuals generally, which would include adults.

It further assumes that the functions of the Board of Pardons should be organized outside a centralized department either of correctional or of correctional and welfare institutions and agencies. The question whether a more creative and responsible use of the Clemency Power would be fostered by (a) substituting for the Board an investigatory and advisory committee to the Executive, with a return to the Executive of this historically executive power and responsibility for clemency, or (b) leaving the power in the Board as an independent decentralized entity, was explored. The conclusion was that the Executive should be spared the duty of attending clemency hearing and participating in the sifting of applications, and that the function might well be left to the Board.

The advantages of centralization as proposed above may be summarized as follows:

- (1) Greater economy in operation.
- (2) Performance of certain common functions at a single level rather than in five or more places.
- (3) A united policy-making function.
- (4) Better handling of parole.
- (5) Facilitation of contacts by the Governor and others with state institutions.
- (6) Possibility of a central statistical and research bureau.
- (7) Facilitation of more adequate classification and of transfers between institutions, including the county jails.
- (8) Facilitation of out-of-state activities and contacts with other departments.
- (9) Development of more therapy for inmates whose terms of detention could be shortened thereby.

George H. Bession
Project Associate

COMMISSION ON FORFEITED RIGHTS

(Appendix to Final Report - Survey Unit No. 14)

This commission has the function, formerly entrusted to the Committee on Forfeited Rights of the General Assembly, of determining whether electoral privileges forfeited by reason of a conviction of bribery, forgery, perjury, or other offense for which an infamous punishment is inflicted (Sec. 143a, Gen. Stat., 1949 Supp.) shall be restored in any given case. Created in 1949, the commission consists of three non-salaried members with two year terms, one being appointed by the governor, one being a member of the house of representatives appointed by the speaker, and one being a senator appointed by the president pro tempore of the senate (Sec. 1a, id.). Patrick J. Ward is chairman.

The commission is authorized to employ necessary assistants, and is required to meet at least once quarterly. Investigations of petitioners are conducted by the state police on request. The only legislative standard prescribed to govern the commission's action, which may be by majority vote, is that no petition shall be heard until six months after the petitioner has been discharged from jail, prison or the reformatory; until six months after discharge from probation or parole if the petitioner has been released on probation or parole from jail, prison or the reformatory; until six months after conviction if the petitioner has merely been fined or sentence suspended without probation; or until six months after discharge from probation if the petitioner has been placed on probation.

The function is obviously similar to those performed by the Board of Pardons, and it would appear that some duplication of facilities or personnel might be avoided by transferring this function to the Board. The initial appropriation for the Commission was \$30,000 (Sec. 7a, id.).

